

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Michael L. Levey,

Plaintiff,

v.

Case No. 2:18-cv-88

Commissioner of
Social Security,

Defendant.

ORDER

This matter is before the court for consideration of the October 1, 2018, report and recommendation of the United States magistrate judge to whom this case was referred pursuant to 28 U.S.C. §636(b). The magistrate judge noted that on September 5, 2018, an order was issued directing plaintiff to show cause why this action should not be dismissed for failure to prosecute due to plaintiff's failure to file a statement of errors. Plaintiff was advised that a failure to respond to the order would result in dismissal of the action. No response to the show cause order was filed. The magistrate judge recommended that the this action be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b).

The report and recommendation specifically advised the parties that failure to object to the report and recommendation within fourteen days "will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." Doc. 12, p. 4. The time period for filing objections to the report and recommendation has expired, and no party has objected to the report and recommendation.

The court adopts the report and recommendation of the

magistrate judge (Doc. 12). Pursuant to Rule 41(b), this action is dismissed with prejudice for failure to prosecute.

Date: October 24, 2018

s/James L. Graham
James L. Graham
United States District Judge